THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6932 of 2007

Dated:05.04.2007

Between:

B.Adinarayana.

... Petitioner

AND

The District Collector and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6932 of 2007

ORDER:

The petitioner is a class IV employee working in the Secretariat of Government of Andhra Pradesh, Hyderabad. Under a housing scheme, the third respondent allotted plot No.253 admeasuring 142 square yards in Survey No.107 situated at Suraram Village of Kuthbullapur Mandal in Ranga Reddy District. Statedly, the petitioner obtained a loan from the Andhra Pradesh State Housing Corporation Limited, and constructed a house in 1985 where he is staying. He admittedly occupied an extent of 40 square yards of land adjacent to his house. He then approached the third respondent seeking regularization of excess land under relevant Government Orders. The District Collector, by impugned memo bearing No.E5/3593/2005, dated 23.10.2006, rejected the request for regularization for the reason that there is no provision for regularization of land encroached upon by the petitioner.

Learned Counsel for the petitioner placed strong reliance on G.O.Ms.No.1601, dated 29.08.2005, in view of the submission that the first respondent passed the impugned order without applying mind, and the said Government Order permits regularization of land in occupation of the petitioner. This is refuted by the learned Assistant Government Pleader for Revenue (Assignment).

As rightly pointed out by the learned Assistant Government Pleader, G.O.Ms.No.1601, dated 29.08.2005, was issued in partial modification of the orders of the Government in G.O.Ms.No.508, dated

20.10.1995. By the said Government Order, the Government ordered regularization of occupation of Government land wherever landless and poor persons occupied small extents of land and raised constructions. In this case, initially, under housing scheme the petitioner was allotted 142 square yards, but he encroached upon another extent of 40 square yards knowing fully well that it is a Government land. When a person has encroached upon the Government land, the same cannot be regularized as per the Government Order on which reliance is placed. The petitioner has no right to seek a mandamus in a Writ Petition under Article 226 of the Constitution of India.

The Writ Petition is, therefore, dismissed. No costs.

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(**V.V.S.RAO, J**)

05.04.2007
vs